IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7485 of 2007(C)

(CRIME NO. 637/2007 OF PEROORKADA POLICE STATION)

PETITIONER/2ND ACCUSED

G.CHANDRIKA KUMARI AMMA,
NADUVATHU CHANDRIKA VILASOM,
KARAKKAMANDAPAM, NEMOM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, PEROORKADA POLICE STATION, PEROORKADA P.O., THIRUVANANTHAPURAM-10.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7485 of 2007

Dated this the 6th day of December, 2007

ORDER

Application for anticipatory bail. Petitioner is the mother in law of the deceased. The marriage between the defacto complainant and the son of the petitioner had taken place. He was employed abroad. There was strain in the relationship between the deceased daughter in law and the petitioner when they were residing together under the same roof. Attempts were made to mediate and settle the disputes between them. It was after the husband returned from his place of employment that the husband and the wife had taken up separate residence. The alleged incident took place about a fortnight after they started residing separately. The wife had set herself ablaze. In an attempt to save the wife, the husband had also suffered injuries and has subsequently succumbed to the burn injuries suffered by him. The petitioner has thus lost her son and daughter in law. Allegations of matrimonial cruelty are raised against her. Crime has been registered. Investigation is in progress. In the F.I

statement lodged by brother of the deceased, no specific allegations are seen raised against the petitioner, the mother in law. In the course of investigation, she has been arrayed as an accused and allegations under Section 306 and 498 A I.P.C have been raised against the petitioner also.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is true that there was strain in the matrimonial tie. But it is totally incorrect to say that there was any cruelty on the part of the petitioner against her daughter in law. The petitioner is in a pathetic circumstance now. She has already lost her son and daughter in law. It may not be lost sight of that even admittedly the spouses were residing separately without any hindrance from the petitioner for a period of about 15 days prior to the date of commission of the suicide. In these circumstances, the blame for suicide may not be left at the doors of the petitioner. The petitioner may be saved of the undeserved trauma of arrest and incarceration now, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that the

allegations under Section 306 I.P.C has subsequently been deleted also. The petitioner now faces allegations only under Section 498 A I.P.C.

4. Having considered all the relevant circumstances, I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 13.12.2007. She shall be enlarged on regular bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 14.12.2007 and 15.12.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to her surrender on 13.12.07 as directed in clause (1) above, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 13.12.07.

(R.BASANT, JUDGE)

rtr/-